

April 22, 2021

**Village of Goshen
Building department
Attn: John Russo, Ed, Scott
279 Main St, Goshen NY 10924**

Stop work order memo response letter

To whom it may concern,
In response to the comments received at the Meeting held on April 21, 2022, please see below responses to your comments below:

To: Joseph Battaglia
My name is Joe Battaglia

From: John Russo, P.E.

cc:

Date:

Re:

Ted Lewis, III, Building Inspector; Scott Birney, DPW Superintendent; David Donovan, Esq.
April 16, 2022

6 Dikeman Drive- Stop Work Order

On March 28th, 2022, the Village Building Department, Village DPW and myself met with you at Village Hall regarding what would be required to lift the Stop Work Order that was issued for your property located at 6 Dikeman Drive. The Stop Work Order was issued in June of 2021 due to work performed by you along Dikeman Drive, Coates Drive and NYS Route 17A without any permits for the work. Below is a summary of the work that was observed to have occurred without permitting.

1. Excavation work was performed through the wetlands located along the west side Dikeman Drive, starting at the firehouse parcel and running to NYS Route 17 A, as seen in the attached photographs in Appendix "A" that were taken on June 9, 2021, after the disturbance was noticed. This work was conducted without any permits from the Village of Goshen and the Army Corp. of Engineers. Attached for your reference in Appendix "B" is a correspondence from the Army Corp. of Engineers, dated May 30, 2020, with regards to wetland mitigation that was to be conducted on Lots 1 and 2 to allow for the construction of the firehouse on Lot 3. The map included within this correspondence shows the outline of the federal wetlands along with the area that was proposed as mitigation to allow for the construction of the firehouse parcel.

Response:

- 1) This wetland letter is expired, a new one is attached
- 2) No excavation was performed, I simply cleared tall grass.
- 3) The wetland disturbance was mitigated last year.
- 4) Also the letter provided does not show wetland in the area of said work.

2. Excavation work occurred on the westerly and easterly side of Coates Drive without permits from the Village of Goshen or the approval from the adjacent landowner to perform excavation work, as shown in the attached photographs in Appendix "C". The work in this area damaged conduit and wiring that provided power to the Eastgate sign located at the entrance to Coates Drive, as well as damaging the curb line along Coates Drive in the vicinity of the box culvert that crosses under Coates Drive, as well as disturbing possible wetlands and disturbing a Class "C" stream as per NYSDEC. Although you claimed at the meeting that this disturbance was performed by NYSDOT in the area along NYS Route 17 A, the Village of Goshen DPW has been in contact with NYSDOT regarding this matter, and NYSDOT has stated that they did not perform any extensive disturbance to the area or damage any conduit or curbing, and they will be issuing a correspondence to this affect. Once the Village receives this correspondence, a copy will be provided to you.

Response:

1) Ted was provided photographs of DOT digging with an excavator adjacent to the Eastgate sign

3. Excavation work occurred within the New York State DOT right-of-way along NYS Route 17A with out permits from the New York State DOT, as shown in the attached photographs in Appendix "D".

Response:

1)Noted.

Work that is needed in order to lift the Stop Work Order that was issued would include the following:

1. The wetlands that were disturbed will need to be restored. You will need to work with your wetland specialist, Mr. Nowicki, as to how to restore the disturbed areas. This work may require permitting from the Army Corp. of Engineers, to which your consultant shall contact Army Corp. to determine if any permitting is necessary and what remediation work will be required.

Response:

1) Wetland has been restored prior to wetland delineation as noted in the last page of the wetland letter provided.

2. Your wetland consultant shall determine the extent of the wetlands along the west and east side of Coates Drive, and again work with the regulating agency as to how this disturbance shall be mitigated, along with what permits will be required. It should be noted that any disturbance that was done to private property shall be corrected, once written approval is obtained from the property owner. This would include the repair of the conduit and wiring to the Eastgate sign, as well as all excavated and disturbed areas.

Response:

1) No wetlands are on the wetland mapper in this area

2) I did not perform this work

3) The vegetation is established no work is required as per Mr. Nowicki

4) I do not have permission to access this property.

3. The damage that occurred to the curbing along Coats Drive shall be corrected in accordance with the Village DPW Superintendents requirements. This may require the

removal and replacement of the damaged curbing.

Response:

- 1) No description of damage or corrective action has been given by DPW.
- 2) I did not perform this work.
- 3) The curb is not damaged and I have photographs from google maps proving its exactly like it was 5 years ago.
- 4) I do not have permission to access this property.

4. Any corrective work with the NYSDOT Right-of-Way along NYS Route 17 A shall be performed in accordance with NYSDOT Standards once a work permit is issued by NYSDOT for the remediation work, if required by NYSDOT.

It shall be noted that no corrective work shall occur until such time as plans have been prepared for the corrective work and all necessary permits from Army Corp. of Engineers, NYSDOT and the Village of Goshen have been obtained, along with obtaining written approval from the private landowner(s) that were impacted.

Once all work has been completed to the satisfaction of all involved outside agencies and the Village of Goshen, then the Village of Goshen will consider your request for a Driveway Permit to allow for access to your parcel at 6 Dikeman Drive (Lot 2).

Response:

- 1) No description of damage or corrective action has been given by DOT.
- 2) I did not perform this work.
- 3) The curb is not damaged and I have photographs from google maps proving its exactly like it was 5 years ago.
- 4) I do not have permission to access this property.

Best Regards,

JB

Joe Battaglia